

REMARKS

Claims 1-17 and 19-20 and 24-27 remain in the application. Claims 1-17 and 19-29 stand rejected. Claims 1, 9, 11, 14 15 and 19 have been amended.

Applicant believes the amendments don't add new matter. The amendment in regards to using the reciprocal of the odds is supported with respect to paragraph 83 of US pub no. 20040152511 and Applicant believes the error Examiner identified is merely typographical in nature. Support for the remaining amendments may be found at least with respect to paragraphs 11, 29 and description of Fig.3 (see step 340).

The specification has been amended to correct the deficiencies cited by the Examiner.

Rejections under 35 U.S.C. § 102

The office communication recites,

5. Claims 1-17, 19-20, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torango (US 6241608).

Claims as amended describe limitations, such as recited in claim 1, “the progressive management device operable to 1) receive an incoming wagers from the first gaming system wherein each of the incoming wagers includes an incoming wager amount and wherein a portion of the incoming wager amount is to be applied to the progressive jackpot, 2) determine a new percentage of the incoming wager amount to be applied to the progressive jackpot such that a product of a wager amount necessary to participate in a progressive jackpot, a reciprocal of an odds of winning the progressive jackpot and the new percentage of the incoming wager amount to be applied to the progressive jackpot is equal for the first and second gaming system and 3) for each of the incoming wagers comparing the odds of winning the progressive jackpot to a random number to determine whether the progressive jackpot is won.”

Torango doesn't teach on a wager-by-wager basis “to determine a new percentage of the incoming wager amount to be applied to the progressive jackpot such that a product of a wager amount necessary to participate in a progressive jackpot, a reciprocal of an odds of winning the progressive jackpot and the new percentage of the incoming wager amount to be applied to the progressive jackpot is equal for the first and second gaming system.” A percentage of the incoming wager amount to apply to each wager is performed before the system is enabled. Col. 17: 13-14 of Torango recites, “Once all data is entered and prizes and games are linked, the gaming devices are enabled for player participation.”

In addition, Torango is not compatible with “for each of the incoming wagers comparing the odds of winning the progressive jackpot to a random number to determine whether the progressive jackpot is won,” as described in the pending claims. Torango Col. 19: 56-20-4, recites,

In prior art progressive gaming systems and methods prize award events occur randomly as a result of the playing of a gaming device. This causes the timing of a prize award event to be unpredictable. However, the process as illustrated in U.S. Pat. No. 5,280,909 uses a randomly generated prize value to condition the prize award event. In essence, when an increment to the current prize value causes that value to meet or exceed the predetermined randomly selected prize value, the central system creates a prize award event associated with the gaming device responsible for the increment that created the condition. However, this condition is also unpredictable when related to the time of the prize award event, or the amount of the prize at the time of award. This process also removes the normal probability, however small, that more than one player may win a particular prize.

In Torango, a random prize value is selected and the selected random prize value is awarded the current prize value is incremented above the random prize value. If in Torango, “for each of the incoming wagers comparing the odds of winning the progressive jackpot to a random number to determine whether the progressive jackpot is won” is applied, then Torango would not operate properly because the progressive jackpot could be awarded before current prize value is incremented above the random prize value. Therefore, for at least these reasons, Torango can’t be said to render obvious the pending claims and the rejection is believed overcome thereby.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
WEAVER AUSTIN VILLENEUVE & SAMPSON LLP

/David P. Olynick/
David P. Olynick
Reg. No. 48,615

WEAVER AUSTIN VILLENEUVE & SAMPSON LLP
P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100